

ADULT FOSTER CARE LICENSING ADVISORY COUNCIL

MEETING MINUTES

Wednesday, August 14, 2013

MEMBERS PRESENT: Salli Christenson, Bishop Ira Combs, Kathy Lentz, Tari Muniz, Kathleen Murphy (teleconference), Linda Lawther, Candace Pilarski (guest, standing in for Cynthia Farrell) and Marvin Veltkamp

MEMBERS ABSENT: Kelly Milnickle, Cynthia Farrell, Justine Rowley

ADULT FOSTER CARE/HOME FOR THE AGED LICENSING STAFF

James S. Sinnamon, Director, AFC/HFA Licensing Division

Mahtina Rubritius, Adult Foster Care Licensing Consultant

Kristine Manion, Secretary

Salli Christenson, Chairperson, called the meeting to order at 10:04 a.m. Chairperson Christenson did the roll call of Council members, showing a quorum was present, with three Council members absent.

Welcome to new member of the Council: Marvin Veltkamp, from Kalamazoo, MI, is a Director with Medallion Management. Medallion is a management company for affordable housing throughout the State of Michigan. Marvin operates the development division of this company. Silver Star, a Medallion Management facility, is an affordable housing community for veterans which opened in 2009 and has been quite a success. More phases for Silver Star will now happen due to the high demand and quick leasing of these units. Mr. Veltkamp does a great deal of work with Michigan State Housing Development Authority.

Approval of Agenda

Salli made some additions to the agenda: under 5.) Council Business: made c.) *Council resignation* and added d.) *Council Member Orientation* and added to 7.) *next meeting*, because the Council will meet in a new location. Linda Lawther made the motion to approve the changes and Bishop Ira Combs seconded that motion. All were in favor.

Approval of Minutes of May 15, 2013

Some changes needed to be made to the May 15, 2013 Minutes:

1. correction on page 3- change "CARP" to "CARF";
2. correction on page 1- change Tari's last name to be Muniz;
3. correction on page 2- change to "Jenni's colleagues" from "Salli's colleagues".

Bishop Ira Combs made the motion to approve the changes and adopt the Minutes in the corrected form with Salli Christenson seconding the motion. All were in favor.

Public Comment

No public comment.

- **Report from the Council Subcommittee regarding the option for increasing person-centeredness in the AFC/HFA setting** Report by Tari Muniz, the subcommittee's chairperson: The subcommittee has drafted a short survey for the AFC/HFA licensing consultants. Hopefully by the next meeting there will be results from the survey to share with the Council.

There are 8 questions in the survey. Kathleen Murphy asked if the Bureau has reviewed the survey. Mahtina stated AFC/HFA is in support of the survey and Mahtina will coordinate with Erika the movement of this survey. There are about 65 consultants who will be sent a survey after the Labor Day holiday. They will be given a 2 week period within which to respond.

Bishop Combs, directing his question to Kathleen Murphy: *"Do you think there should be language that refers to those statutes that are part of the mental health code included in the survey?"* Kathleen Murphy believes, at this time, the subcommittee is information gathering and it is too soon to know what types of mandates that could be made. Kathy Lentz stated that there are many people living in AFC/HFA homes who are not connected to the mental health system and to make that tie at this time would be premature. It may be important to glean information about AFC/HFA homes to get an idea of how many homes must include the provisions of the mental health code in their administration. Kathy Lentz said it would be best to find out how many homes have specialized certification. Mahtina volunteered Erika for gleaning this information from the current AFC/HFA division's data sources.

Linda Lawther posed a question concerning survey question 6, which states: *"Do you think owners are open to learning more about person centeredness practices? Who do the AFC/HFA licensing consultants communicate with for the most part—"owners", licensees, directors, etc.?"* Mahtina responded that it's the facility's licensee, as well as staff, who AFC/HFA licensing consultants communicate with.

It is suggested that "licensees/administrators" replace "owners" in survey question 6. Tari Muniz agrees with this change.

Motion made to approve the survey with modification to question 6. The Motion was seconded by Kathy Lentz. All were in favor.

- **Council resignation:** Salli Christenson read a letter of resignation that she received from Justine Rowley of the Council. Tina is the owner and President of Home Instead Senior Care which provides in-home support for seniors in Southeast Michigan. It's believed that Justine was a consumer representative on the Council.

Jim Sinnamon indicated that he is soon meeting with Director Corrigan's administrative assistant concerning the Council's vacant positions and the terms that are going to be expiring for other Council members before this year is out. Those whose terms are expiring: Kathleen Murphy, Kelly Milnickle and Salli Christenson

- **Council Member Orientation:** Salli Christenson believes there's a need for Council member orientation to help new members with the language and the concept of the Council. Salli is willing to work with Jim Sinnamon and, hopefully, a long-standing Council member, to put together some material packets for new members.
- Kathleen Murphy volunteered to join Jim and Salli in working on this project. She believes an important aspect of this project is to have a conference call with the new member, or in-person meeting, to answer questions and offer the history of the Council.
- Linda Lawther feels this is also a good move because given the term limit expirations of late, and the question as to whether those terms will be renewed by Director Corrigan, a member orientation can only be of great value, sharing knowledge and information, with incoming Council members. Linda is saddened with the possible loss of the great experience that comes with longstanding members.
- Linda Lawther requests that each member's term expiration date now appear on the Council roster. Salli indicated that this will be done once the changes at hand have been decided by Director Corrigan. That revised roster will be delivered to all Council members.
- Bishop Ira Combs feels it would be beneficial if the Council had a mission statement that reflects what the Council is to be doing for the agency. Linda Lawther added that in doing this, the Council must adhere to what the statute states as to what the Council is responsible and accountable for.
- Salli is hoping to have a draft of the orientation materials ready by the Council's November, 2013 meeting.

Division/Bureau Updates- James S. Sinnamon

- Since the last meeting, Luttrell Levingston was transferred to the Office of Legal Services and Jim Gale, the Bureau's Director, went on a medical leave. Jim Gale has been out since the end of May and hopes to return at the end of September, 2013. He's doing well. The DHS Director and Deputy Director have decided at this point, regarding BCAL, that the two Divisions which were managed by two different Directors shall now be managed by one Director. Jim Sinnamon will be the Director of both the Adult Foster Care/Home for the Aged Division and the Child Day Care Division.

- Staffing: AFC/HFA continues to be less one AFC Consultant. There was a request to fill this position earlier this year which was denied due to budgetary concerns. Jim has recently sent off another hiring exception to see if this vacancy can be filled. A few child day care positions were filled, but they were made limited term. It is not known how helpful this will be because by the time the new hires learn their jobs, their jobs will be terminated. If the AFC hiring exception is granted, it is hopeful that this position will be accorded to the Flint area.
- There are still issues with fingerprinting. It isn't scheduling appointments that are the problem. It's getting the fingerprints transmitted to DHS correctly. This appears to be a problem across the board in all three divisions of BCAL. For now, when the fingerprints come in and they have the wrong coding, BCAL will make changes on its' systems to correct the coding. Coding is required by the Federal government to approve the fingerprints.
- When there is an employee who is not a resident of Michigan, MorphoTrust now has a process for these employees to use to have their fingerprints done in their current State. Potential employees are fingerprinted in their own State and thereafter the results flow directly to Michigan government, into the Michigan system. *(MorphoTrust procedure document sent to Council members on August 9, 2013 via email. A copy is also attached hereto.)*
 - ✓ Linda Lawther indicated that she's received feedback from her membership that the providers aren't receiving rap backs on employees. Jim said that when providers know of a specific case and can provide specific information, they should forward the details to Erin Dittmer, who will check BCAL's system data and work to correct the situation. If the matter concerns a licensee, please forward the details to Mahtina Rubritius, who will work to resolve the situation.
- AFC/HFA has put on-line, recently, the handbook for the Workforce Background Check Unit's system so the licensees can see what must be done to have potential employees fingerprinted and how to move about within the system.
- There are no legislative updates for the reason that the legislature is on summer break and there is no activity. The bills discussed in the May 15th meeting are still in Committee.

Top Ten Rule Violations Salli explained that this listing is presented for each Council meeting. The listing tells of the top 10 rule violations occurring in the applicable quarters of the year for the various types of homes: homes for the aged, small group adult foster care homes, etc., including the counties of the homes having the violations. The majority of the violations are mainly physical plant issues and have been quarter after quarter. Jim indicated that issues primarily are maintenance of the premises, medication, and evacuation drills.

- Bishop Ira Combs inquired about TB tests, where in the very recent past the serum needed for these tests has not been widely available. Jim Sinnamon responded that last week he checked the CDC site to find out what the status is on this and, as of this meeting, there doesn't appear to be any changes as to the serum becoming more available. There is still a shortage, through there is some available in some areas and limited in other areas. For the time being BCAL will take into account this situation and the necessity for employees to be TB tested who cannot be due to the shortage. This issue is affecting all divisions of the Bureau at this time
- Kathleen Murphy indicated that Luttrell was working on recommendations for licensees regarding vaccinations: residents coming into a facility after visiting another country, other instances where there may have been contact with a resident who has contracted a virus/syndrome that could put others at risk, and symptoms for licensees to watch for in these groups. Jim is going to check with Luttrell about this. Jim is directing Mahtina to take on this project. Kathleen indicated she attempted to do this in the past and that it is not an easy task by far. Kathleen is willing to help Mahtina with information on this project.
- Linda Lawther requests that the top 10 issues chart be "married" to the explanation, much like the charts prepared for the May 15th meeting. This will help the Council members interpret the data much more easily and efficiently.
- Bishop Ira Combs has a concern regarding medications which are stolen: Bishop Combs stated that there is, under recipients' rights, the necessity for the police to become involved. Bishop maintains DHS licensing consultants should become involved and support the prosecution in these matters. Jim said AFC/HFA staff is certainly willing to talk with the police and cooperate with the police whenever possible. If AFC/HFA conducts an investigation, has findings and the alleged violation is established, our report is an instrument of support. As far as AFC/HFA can proceed in such matter is to allege a rule violations, which is as far as the Bureau can go.

Candace Pilarski asked why there's a lack of prosecution in such cases if APS is involved. Bishop Combs answered stating that it all came down to the Prosecutor and whether the Prosecutor had the budget to prosecute; that he believes that in the child courts there is aggressive action. He feels in some cases involving AFC/HFA facilities also require this same sort of aggressive pursuit. Candace said in her APS experience that it's usually because the prosecution doesn't like to represent the adults program on a local level.

- **Quarterly Report of AFC/HFA activity** in enrollment, new licenses, facilities closed, renewal licenses issued and number of special investigation intakes and special investigation reports individually reviewed by Council members.

OPEN DISCUSSION

Linda Lawther had some questions:

1. We've had periods of time where staffing limits or other challenges have caused renewals to lag, so where is AFC/HFA now regarding the timeliness of renewals?

Jim will have to research this matter and provide an answer later.

2. What is the average length of time it takes to have a new license issued?

Jim responded that when AFC/HFA receives an application, it's examined for completeness. When pieces are missing, it is sent back to the licensee to supply what is missing.

3. On-line information which is available to consumers who are looking up providers and the providers' information can see that the SIRs are sitting on the website longer than the 2 year limit. Why?

Jim responded: When the system was designed, the SIRs were to remain indefinitely and then a decision was made to have these documents come off after a 2 year period because at that point a renewal should have been performed and if there were any problems, those problems would have been resolved. We made a request to have elimination occur at the 2 year mark. We thought it was working, but it wasn't. We went back and placed another DTMB work request to have this fixed once again. DTMB indicated to us that BCAL was on a LARA (Licensing & Regulatory Agency) server. BCAL is supposed to be on the DHS server. We've been told DTMB have stopped working on this immediate problem, now working on moving BCAL from one server to the other server. As people become aware of specifics, please email those details to Kristine and she will forward them to the person who can make specific individual work requests, which is the best we can do for right now.

- **Public Hearing on Administrative Rules:** There was a public hearing on the amended Home for the Aged rule change regarding medication (oral/written instructions) last month. AFC/HFA compiled all 4 of the comments received and sent the report to the regulatory officer, who then sends it on to LARA. The next step is for LARA to send it to the Joint Committee on Legislative Rules with the Legislature. The report

must sit with the Joint Committee for 15 session days when both the House and Senate are in session. Jim is thinking that sometime in October, 2013 the 15 days will be achieved. From here, it will go to the Secretary of State's Office of the Great Seal and become effective that day. The only change in this rule deleted a word.

- Travel Restrictions: There is now a severe travel restriction on staff for meetings, trainings, etc. BCAL continues to do investigations and renewals but must eliminate most everything else. For example, Mahtina isn't able to attend meetings in person now, due to these travel restrictions, but she can participate by teleconference call until the new fiscal year (we hope!).
- AFC/HFA is moving to the Victor Building, 201 North Washington Square, in downtown Lansing in mid-October (at least this is the information AFC/HFA has at the moment). The next meeting will be at the new location!

Adjournment: Salli Christenson adjourned the meeting.

The next AFC Licensing Advisory Council meeting will take place on **Wednesday, November 13, 2013 at 10:00 a.m.**, at the **Victor Building, 201 North Washington Square, 3rd Floor, conference room AB, Lansing, MI.** If you're unable to attend, please notify Kristine Manion and Council Chairperson, Salli Christenson.